

REMARKS

Claim Objections

Claims 7 and 14 have been objected to, as it is suggested that the use of PTFE is unclear. Applicants believe that the term PTFE is commonly used and recognized by one of skill in the art. *Hawley's Condensed Chemical Dictionary*, Thirteenth Edition, clearly recites at page 939 that PTFE is an abbreviation for polytetrafluoroethylene (see attached). However, in order to expedite prosecution and allowance of this application, claims 7 and 14 have been amended, as suggested by the Examiner, to recite the complete chemical compound as --polytetrafluoroethylene--. Support for this amendment is found throughout the specification and in the attached copy of *Hawley's Condensed Chemical Dictionary*, Thirteenth Edition, page 939. No new matter has been added by this amendment.

Applicants respectfully request reconsideration and withdrawal of this objection.

Claim Rejections

Claims 1-26 have been rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US Patent 5,522,155). It is suggested that Jones shows a cap 10,90 with a recess 18,94 and a vapor path to seal a container. A stopper 92 seats in a first position within the cap 90, adjacent to the recess 94. The stopper is suggested to be movable between open and shut positions for allowing passage of vapor. Applicants respectfully disagree.

Under 35 U.S.C. 102(b), a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Jones does not teach every element or limitation of the present invention.

The present invention is directed to a cap assembly comprising a cap having a **recess for sealing to a container** and a vapor path opening for vapor passage between the container and an external atmosphere; a venting media and a stopper seated in a first position within the cap adjacent to the recess. The

venting media is attached to the cap and oriented in the vapor path, forming a barrier isolating the container from the external atmosphere. The stopper is seated in a first position within the cap adjacent the recess, the first position allowing passage of vapor between the container and the external atmosphere. Further, the stopper is movable to a second position in the container to close the container and prevent the passage of vapor.

Contrary to the Examiner's suggestion, the cap 10, 90 disclosed by Jones does not have a recess 18,94 for sealing to a container and a vapor path opening for vapor passage. Rather, the "recess" 18, 94 has been erroneously classified. As shown in Figures 2 -5 of the Jones reference, element 18 is an end to an inner channel. The inner channel has two openings to receive a plug member and venting media (see column 3, lines 40-47 and Figures 2-5). Thus, the opening (element 18) does not attach to a container and form a seal. As shown in Figure 13 of the Jones reference, element 94 is a gasket used between the screw on cap and the container. Element 94 is not a part of the cap, but rather a separate element. Thus, Jones, clearly can not be held to anticipate the present invention, as all of the limitations of the present invention are not taught.

Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-26 have been rejected under 35 U.S.C. 102(b) as being anticipated by Robinson (US Patent 5,782,383). It is suggested that Robinson shows a cap (Fig 2) with a recess 18, 94 and a vapor path to seal a container. A stopper 24, 26 seats in a first position within the cap 12 adjacent to the recess 38. The stopper is suggested to be movable between open and shut positions for allowing passage of vapor. Applicants respectfully disagree.

Applicants wish to draw to the Examiner's attention that Robinson does not teach, recite or otherwise refer to any element number 94. Applicants believe that a typographical error occurred and the phrase "recess 18,94" as recited in paragraph 2 at line 1 of the Claim Rejections was intended to read – recess 38—.

Applicants request confirmation of the error. Applicant's following response is given based upon the element numbering –recess 38—.

Robinson does not teach a cap with a recess for sealing to a container. As set forth at column 3, line 47-48 and Figures 1-3, a resilient sealing liner 22 is used to seal the container. One of the primary functions of the sealing liner is to serve as a sealing gasket between the closure and the container by being compressed between the inside cap top surface and the container neck lip. When the container 14 is filled with its enteral feeding solution, it is heat sealed with a pierceable member, most commonly in the form of aluminum foil 68, so that sealing to the lip embraces the foil and its seal to the lip 66. See column 4, lines 39-50. Thus, Robinson cannot be held to anticipate the present invention, as it does not teach every limitation of the present claims.

Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 1-26 have been rejected under 35 U.S.C. 102(b) as being anticipated by Bender et al (US Patent 3,474,543). It is suggested that Bender et al show a cap 42 with a recess 63,64 and a vapor path to seal a container. It is further suggested that stopper 28, 29 seats in a first position within the cap 42 adjacent to the recess 63,64. The stopper is movable between open and shut positions for allowing passage of vapor. Applicants respectfully disagree with this rejection.

Bender discloses at column 2, line 29-35, that a cap 23 is provided with an interior perimetral recess 24 within which holding portion 22 of stopper 15 is supported. Cap 23 is also formed with a perimetally disposed, downwardly depending portion 25 which is adapted to overlie and embrace mouth 14 of receptacle 12. Downwardly depending portion 25 is also adapted to be crimped under flange 14 as shown in Fig.2. Bender does not teach or suggest the presence of a venting medium.

The present invention requires a cap assembly comprising: 1) a cap having a recess for sealing to a container and a vapor path opening for vapor passage between the container and an external atmosphere; 2) a venting media attached to the cap and oriented in said vapor path forming a barrier isolating the container from the external atmosphere; 3) a stopper seated in a first position within the cap adjacent to the recess. The venting media is shown in Figures 18-22 of the present invention. Bender does not teach a venting medium as

claimed by the present invention, thus Bender cannot be held to anticipate the present invention.

Conclusion

Applicants believe that the foregoing amendment to claims 7 and 14 overcome the Examiner's objections to the claims. Applicants further believe that the foregoing remarks overcome the Examiner's rejections and place the present application in condition for allowance. Applicants respectfully request reconsideration and allowance of the present application. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



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